

The Honorable JAMES L. ROBERT

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LAFECT CAMPBELL, WILLIAM R.  
BROWN, DANNY CROWDER, JOSE  
FERREZ, DUANE JONES, EDWIN  
KYLES, DONALD L. MILLS, JR,  
CORNELL TUNNEY, BERNARD  
WOODS, THURMAN E. YOUNG, JR.  
WALID AL-ADSSANI, GREGORY  
HILLS,

PLAINTIFFS,

VS.

OBAYASHI CORPORATION, INC., A  
FOREIGN CORPORATION, PARSONS  
BRINCKERHOFF CONSTRUCTION  
SERVICES, INC. D/B/A RCI  
CONSTRUCTION, A DOMESTIC  
CORPORATION AND BALFOUR  
BEATTY RAIL CORPORATION, INC.,  
A FOREIGN CORPORATION.

DEFENDANTS.

CASE NO.: CO8-0181 JLR

MOTION TO WITHDRAW

NOTED FOR CONSIDERATION:  
January 28, 2008

**1. Facts**

Counsel of record for the plaintiffs in this matter is Lori S. Haskell. The  
Plaintiffs collectively have a common action against the Defendants, which arose  
out of common evidentiary circumstances. In the course of recent discovery,

Motion To Withdraw

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1 Plaintiffs' counsel perceived that she may be in circumstances that involve a  
2 potential ethical conflict. Immediately, Counsel took steps to resolve the potential  
3 ethical dilemma. Despite the actions taken Counsel has determined that the  
4 dilemma cannot be resolved. Counsel has determined that she must withdraw from  
5 representing all of the Plaintiffs.  
6

7       Discovery cutoff in this matter is February 2, 2009 and the case is set for  
8 trial on June 2, 2009. Counsel for Plaintiffs has devoted considerable time and  
9 resources to representing the Plaintiffs, nevertheless the potential ethical  
10 compromise is a problem that appears to have no solution as to this counsel for all  
11 these Plaintiffs or any individual Plaintiff. In an effort to avoid the need to  
12 withdraw from representing all the Plaintiffs the following has been done.  
13

14       Counsel has (a) consulted with the Washington State Bar Association, (b)  
15 researched the issue that prompted her concerns about the potential ethical  
16 implications, (c) , consulted with other attorneys about potential options and (d)  
17 attempted to find other counsels to immediately take over representation of the  
18 Plaintiffs. Based upon the foregoing, Counsel has concluded that due to the nature  
19 of the ethical conflict she must withdraw. [See Declaration of Lori S. Haskell.]  
20

21       Plaintiffs' counsel will make all files available immediately to any attorney  
22 who wishes to review the case on behalf of the individual plaintiffs and will do  
23 everything necessary to transition the matter to any attorneys retained by the  
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1 plaintiffs. Due to the nature of the conflict and plaintiffs' counsel's conclusion that  
2 ethically she must withdraw from representing all the plaintiffs, she is requesting a  
3 continuance so that new counsels will have adequate time to effectively represent  
4 the individual plaintiffs.  
5

## 6 **II. STATEMENT OF ISSUES**

7  
8 1. Does due process demand that when a counsel representing multiple Plaintiffs  
9 determines that an ethical conflict exists and that withdrawal as counsel is the only  
10 option that a continuance be granted to allow for new counsel for the individual  
11 plaintiffs.  
12

## 13 **IV. EVIDENCE RELIED UPON**

14  
15  
16 1. Declaration of Lori S. Haskell.  
17

## 18 **V. AUTHORITY**

19 FRCP GR 2(g)4(A) provides for withdrawal of counsel and the Rules of  
20 Professional Conduct mandate that counsel must withdraw when faced with an  
21 ethical conflict. Trial in this matter should be continued so that the individual  
22 plaintiffs can retain appropriate representation.  
23  
24

## 25 **CONCLUSION**

1 This court should allow Plaintiffs' Counsel to withdraw so that her ethical  
2 duties are not compromised. In addition, a continuance should be granted to  
3 provide adequate time for the plaintiffs to retain alternative counsel.  
4

5 Respectfully submitted this 16th day of January, 2008.  
6

7  
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13 **DECLARATION OF SERVICE**

14 The undersigned declares under penalty of perjury under the laws of the  
15 United States that a true and accurate copy of the document to which this  
16 declaration is affixed, the Declaration of Lori S. Haskell, was delivered via  
17 messenger and ECF Notification, on this 16th day of January, 2008 to:

18  
19 James P. Wagner  
20 Alexander Baehr  
21 Dorsey Whitney  
22 1421 Fifth Avenue, Suite 3400  
23 Seattle, WA 98101  
24 wagner.james@dorsey.com,  
25 baehr.alexander@dorsey.com

26 Karen P. Kruse  
27 Barry Alan Johnsrud  
28 Laurie L. Johnston  
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1 Gregory Hills  
2 77 S. Washington St.  
3 Seattle, WA 98104  
4  
5  
6

7 Dated this 15th day of January, at Seattle, Washington.  
8  
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10

11 Lori S. Haskell,  
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13 Attorney for Plaintiff  
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